

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

MIDSHIP PIPELINE COMPANY, LLC,

Plaintiff,

Case Number: 6:18-cv-302-Raw

VS.

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**TRACT NO. BR-0860.000,
2.331 ACRES OF LAND, MORE OR
LESS, PERMANENT EASEMENT
(PIPELINE RIGHT-OF-WAY), IN
BRYAN COUNTY, OKLAHOMA, *et
al.***

Judge Ronald A. White

Defendants.

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**ORDER AFFIRMING COMMISSION'S REPORT AND RECOMMENDATIONS
AND AWARDING JUST COMPENSATION**

AND NOW, this 30th day of May, 2023, after careful review of the Commission’s Report and Recommendations (“Report”) (Doc. 904) regarding just compensation due to the defendant landowners, including any heirs, successors and assigns of the named defendants, and any unknown owners of the below-named tracts, for the taking and damages to the remainder, if any, caused by Plaintiff Midship Pipeline Company, LLC’s taking on January 3, 2019, of the permanent easements, use of the temporary workspace and access easements for two years (January 3, 2019 -- January 3, 2021), and the Commission’s Order granting in part Midship’s Motion for Summary Judgment (Doc. 870), the Court hereby Orders as follows:

1. Plaintiff Midship Pipeline Company, LLC is granted the easement rights on the terms set forth in the Fourth Verified Complaint for Condemnation on, over, across and under the tracts of land in Bryan, Carter and Johnston Counties, Oklahoma, more particularly described and depicted in the Verified Complaint for Condemnation as amended in the First, Second, Third and Fourth Verified Complaints with exhibits thereto, and listed in the Exhibit A to the Report.

2. The Court adopts the findings of the Commission in full, except as otherwise noted below, and awards the amounts listed in the Exhibit A hereto plus any interest accrued on the amount of the award in the interest-bearing account of the Clerk of Court. Per the Commission's findings, awards of just compensation are in satisfaction of all claims of damage asserted or which could have been asserted by all defendants with regard to the specific tracts in this matter as a result of imposition of the easements sought by Midship, but do not include any separate amounts for damage occasioned by negligent construction, if any, or any damage occasioned by the failure, if any, of Midship to follow or implement any required remediation plan with respect to the properties which are the subject of this Order.

3. The Court FURTHER ORDERS Midship to prepare in accordance with this Order and the Order on Summary Judgment and submit to the Court separate Judgments for each property listed on the Exhibit A hereto for entry and to enable subsequent recording in the Public Records of the corresponding county.

4. Upon entry of the Judgments, each Landowner shall be entitled to draw from the funds deposited by Midship with the Clerk of Court in the interest-bearing account for

its ownership share of the amount of the awarded just compensation plus any interest accrued on the amount of the award in the interest-bearing account of the Clerk of Court for the easements which burden lands in which such Landowner owns or claims an interest by submitting a motion to withdraw. If multiple persons claim an interest in any of the lands burdened by any Easement taken, each Landowner claiming an interest may withdraw its proportionate share of the funds identified for that Easement and attributable to its claimed interest. If there is a dispute as to any Landowner's entitlement to funds identified for a specific Easement, the Court will—upon motion by an affected party—determine each Landowner's entitlement to such funds. Withdrawal of funds pursuant to this Order shall be conditioned upon submission to the Clerk of Court of a signed IRS W-9 form.

IT IS SO ORDERED this 30th day of May, 2023.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Tract(s) No(s)	Defendant(s) - Landowner(s)	Total Just Compensation to Landowners	Defendants - Third Parties	Total Just Compensation to Third Parties
BR-0860.000	Larry Hughes and Jerry Hughes	\$6,285.00	Central Land Consulting, LLC	\$0
BR-0893.000	Hazel C. Haggerty, as Personal Representative of the estate of Don M. Haggerty, and Irish Venture Trust, Hazel C. Haggerty Trustee, or s Successor Trustee	\$26,500.00	Central Land Consulting, LLC	\$0
BR-0894.000	Irish Venture Trust, Hazel C. Haggerty Trustee, or s Successor Trustee	\$500.00	Central Land Consulting, LLC	\$0
BR-0903.000, BR-0904.000 and BR- 0905.000	Misty Hall Murphree; Marla Hall Richardson; Megan Pearl Murphree; Alex Wendell Wayne Murphree; Torrey McGraw Lester; Kasidy Niegal Lester; Kalan Craig Richardson; Tanner Blane Richardson; Andy Jack Murphree and Marranda Sue Murphree, husband and wife; and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$12,700.00	Central Land Consulting, LLC	\$0
BR-0907.000 and BR-0909.000	Billy Miller	\$16,143.00	Central Land Consulting, LLC	\$0
BR-0925.000	The estate of Donald Andrew Morris, the executor, or executrix or administrator of the Estate of Donald Andrew Morris, deceased, and all heirs and, or legatees,	\$4,625.00	Farm Credit Services of East Central Oklahoma, FLCA; Michi Morris; Bryan County Treasurer;	\$0

	devisees, trustees, creditors and assigns of Donald Andrew Morris, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)		Central Land Consulting, LLC;	
BR-0943.000	Settled	\$0	American Nation Bank	\$0
BR-0945.000	Settled		American Nation Bank	\$0
BR-0991.000 and BR-0993.000	Wayne Caldwell and Donna Caldwell	\$1,000.00	Central Land Consulting, LLC	\$0
BR-0994.000, BR-0995.000 and BR-0996.000	Henderson G. Anderson and Sherron Katherine Anderson, Co-Trustees of the Anderson Family Revocable Trust under written agreement dated January 21, 2009	\$6,100.00	Central Land Consulting, LLC	\$0
BR-1000.000 and BR-1001.000	Nolen G. Grounds and Jackie M. Grounds; The executor, executrix and, or administrator of the Estate of Paul Akins, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Paul Akins, deceased; the executor, executrix and, or administrator of the Estate of Clifford Akins, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Clifford Akins, deceased; and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$2,760.00	Central Land Consulting, LLC	\$0
BR-1002.000	The William T Cooley and Frances L Cooley Survivors Trust, Frances L. Cooley Trustee; Billy Gene Risner; Franklin James Risner; David Alan Risner; Michelle Berdahl; Charleen Hunter; The	\$9,335.00	Central Land Consulting, LLC	\$0

	Unknown Heirs of Franklin Delano Risener; The Unknown Heirs of Jack Wesley Risener; The Unknown Heirs of George Gunter Risener; The Unknown Heirs of Billie Gene Risener, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)			
CR-0472.000	The executrix and, or administrator of the Estate of W. D. Austin, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of W. D. Austin, deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$4,218.48	Central Land Consulting, LLC	\$0
CR-0473.000	Gene Davis, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$1,444.72		
CR-0473.010	The executor, executrix and, or administrator of Estate of Margaret A. Taylor, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Estate of Margaret A. Taylor, deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$500.00		
CR-0473.020	Shirley A. Jones, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named	\$1,277.00		

	defendants, and any unknown owners of the tract(s)			
CR-0480.010	Virginia Johnson, whether alive or deceased, and, if deceased, the executor, executrix and, or administrator of the Estate of Virginia Johnson, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Virginia Johnson, deceased, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$813.00		
CR-0482.000	Seretta Joyce Gaines, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$1,673.00		
CR-0483.000	Rosie Petties, whether alive or deceased, and, if deceased, the executor, executrix and, or administrator of the Estate of Rosie Petties, deceased, and all heirs and legatees, devisees, trustees, creditors and assigns of Rosie Petties, deceased, or her known or unknown heirs, executors, administrators, legatees, devisees, trustees, creditors, and assigns, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$813.00		
CR-0484.000	Lule H. Pettus, a/k/a Lula H. Pettus, whether alive or deceased, and, if deceased, the executor, executrix and, or	\$500.00		

	administrator of the Estate of Lule H. Pettus a/k/a Lula H. Pettus, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Lule H. Pettus, a/k/a Lula H. Pettus, deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)			
CR-0484.010	The executor, executrix and, or administrator of the Estate of Janet McAfee Ayres, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Janet McAfee Ayres, deceased, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$500.00		
CR-0484.020	The executor, executrix and, or administrator of the Estate of Anna Mae Cato, nee Pettus, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Anna Mae Cato, nee Pettus, deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$47.00		
CR-0485.000	The executor, executrix and, or administrator of the Estate of Lawrence Pettus, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Lawrence Pettus, deceased, <i>et al</i> , and any unknown heirs and, or legatees,	\$4.00		

	devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)			
CR-0486.020	The executrix and, or administrator of the Estate of Devola Langetta Pennon, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Devola Langetta Pennon, deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$46.00	Mercy Hospital Healdton	\$0
CR-0494.000	Rosie Breath, whether alive or deceased, and, if deceased, the executor, executrix and, or administrator of the Estate of Rosie Breath, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Rosie Breath, deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$900.00		
CR-0497.000	The Estate of Charlene Breath, the executor, or executrix or administrator of the Estate of Charlene Breath, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Charlene Breath, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$1,104.00		
CR-0499.000	The Unknown Heirs of Clara R. Pettis, deceased, The Unknown Heirs of Buel	\$3,943.00	Central Land Consulting, LLC	\$0

	Pettus, Sr., deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)			
CR-0501.000	J. T. Phillips, whether alive or deceased, and, if deceased, the executor, executrix and, or administrator of the Estate of J. T. Phillips, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of J. T. Phillips, deceased, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$454.00		
CR-0502.000 and CR- 0503.000	Gerlene Miller as Personal Representative of the estates of Isaak Franklin and Annie B. Franklin, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$4,762.00		
CR-0517.010	The executor, executrix and, or administrator of the Estate of Kate Rogene Lawrence Staggs, deceased, and all heirs and legatees, devisees, trustees, creditors and assigns of Kate Rogene Lawrence Staggs, deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$3,006.00		
CR-0626.000	Larry D. Smith and Barbara J. Smith	\$7,250.00	Central Land Consulting, LLC	\$0

CR-0627.000, CR- 0628.000 and CR-0629.000	Casey B. Smith and Kristy J. Smith	\$11,413.00	Central Land Consulting, LLC; BancFirst	\$0
CR-0632.000 and CR-0634.000	Settled	\$0	Lindmark Outdoor Advertising	\$0
CR-0636.000	H&H 1313, Inc.	\$1,240.00	Central Land Consulting, LLC	\$0
CR-0693.000	The executor, executrix and, or administrator of the Estate of Fred O. Lofton, Sr., deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Fred O. Lofton, Sr., deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$7,550.00		
CR-0700.000	The executor, executrix and, or administrator of the Estate of Fred Lofton, Jr., deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Fred Lofton, Jr., deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$3,300.00		
CR-0701.000	Denise K. Davis (being one and the same person as Denise H. Davis), as Special Administrator of the Estate of Warren H. Herriott, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Warren H. Herriott, deceased; Denise K. Davis (being one and the same person as Denise H. Davis), as Special	\$3,500.00	Central Land Consulting, LLC	\$0

	Administrator of the Estate of Sammie J. Herriott, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Sammie J. Herriott, deceased, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)			
CR-0701.010	Lois J. Lofton Revocable Trust dated August 1, 1997, Lois J. Lofton, Trustee; Brenda J. Lofton, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$317.00		
CR-0703.000 and CR- 0709.000	Denise K. Davis (being one and the same person as Denise H. Davis), as Special Administrator of the Estate of Warren H. Herriott, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Warren H. Herriott, deceased; Denise K. Davis (being one and the same person as Denise H. Davis), as Special Administrator of the Estate of Sammie J. Herriott, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Sammie J. Herriott, deceased, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$13,000.00	Central Land Consulting, LLC	\$0
CR-0704.000	Estate of Levi Birt, Jr., deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Levi Birt, Jr.,	\$2,318.00		

	deceased, <i>et al</i> , and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)			
CR-0711.000	The executor, executrix and, or administrator of the Estate of Mamie Hutchins, deceased, and all heirs and, or legatees, devisees, trustees, creditors and assigns of Mamie Hutchins, deceased, and any unknown heirs and, or legatees, devisees, trustees, creditors and assigns of the above-named defendants, and any unknown owners of the tract(s)	\$500.00		
JO-0753.000 and JO-0754.000	Raymond A. Hulsey; Ranada D. Hulsey,	\$2,865.00	Central Land Consulting, LLC	\$0
JO-0758.000	Robert Eugene Harris,	\$2,384.00	Central Land Consulting, LLC	\$0
JO-0819.000	Ralph D. Ragan	\$2,448.00	Central Land Consulting, LLC	\$0